

At Secr

PATENT
Docket No. 337452001100

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on May 14, 1999.

Patricia A. Johnson
Patricia A. Johnson



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

John C. HISERODT

Serial No.: 09/162,648

Filing Date: September 29, 1998

For: CANCER IMMUNOTHERAPY USING
ALLOSTIMULATED CELLS IN A
MULTIPLE SEQUENTIAL
IMPLANTATION STRATEGY

Examiner: Not Yet Assigned

Group Art Unit: 1636

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

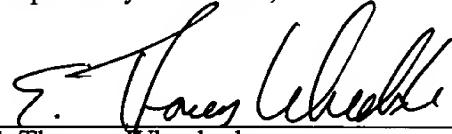
Dear Sir:

In complete response to the Notice to File Missing Parts of Application Under 37 C.F.R. § 1.53(d) dated October 14, 1998, attached please find:

- Copy of the Notice to File Missing Parts of Application;
- Petition for Extension of Time (five months);
- Check in the amount of \$990.00 (\$65 surcharge, \$925 extension fee);
- Declaration for Utility Patent Application;
- Certificate Under 37 C.F.R. § 3.73(b) with copy of Assignment;
- Verified Statement Claiming Small Entity Status;

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to **Deposit Account No. 03-1952**. A duplicate copy of this transmittal is enclosed for that purpose.

Respectfully submitted,



Dated: May 14, 1999

By:

E. Thomas Wheelock
E. Thomas Wheelock
Registration No. 28,825

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

PATENT & TRADEMARK NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09162,648 09/29/98 M J SERODIT

HUBERTSON & FOERSTER
755 PAGE MILL ROAD
PALO ALTO CA 94304-1018

02327101A

NOT ASSIGNED

1636

DATE MAILED:

10/14/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
 small entity (statement filed) non-small entity is \$ 130.00.

1. The statutory basic filing fee is:

missing.
 insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

\$ _____ for _____ independent claims over 3.

\$ _____ for _____ dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unexecuted.
 does not cover the newly submitted items.
 does not identify the application to which it applies.
 does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

65.00

09162648 00000011 09162648

Accts 131470 *11/14/98* *RLC*
A copy of this notice MUST be returned with the reply.

Applicant/Patentee: John C. Hiserodt

Docket No.: 337452001100

Serial No./Patent No.: 09/162,648

Filed on/Issued : September 29, 1998

For: CANCER IMMUNOTHERAPY USING ALLOSTIMULATED CELLS IN A MULTIPLE SEQUENTIAL IMPLANTATION STRATEGY

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9(f) AND 1.27(c) — SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Meyer Pharmaceuticals, LLC

ADDRESS OF CONCERN: 1761 Kaiser Avenue, Irvine, California 92614

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled CANCER IMMUNOTHERAPY USING ALLOSTIMULATED CELLS IN A MULTIPLE SEQUENTIAL IMPLANTATION STRATEGY by inventor(s) John C. Hisenrodt, described in

the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

no such person, concern, or organization exists.
 each such person, concern or organization is listed below.

NAME	ADDRESS	TYPE
		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Michael O'Neill

TITLE OF PERSON IF OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING:

Meyer Pharmaceuticals, LLC
1761 Kaiser Avenue
Irvine, California 92614

SIGNATURE: 

DATE: 5-18-99